

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

PATRICK J. LYNCH, AS TRUSTEE)
OF THE HEALTH AND WELFARE)
FUND, et al.,)
)
Plaintiff-Appellant,)
)
	Case No. 14-2078
v.)
)
NATIONAL PRESCRIPTION)
ADMINISTRATORS, INC., et al.,)
)
Defendants-Appellees.)
)

**JOINT MOTION FOR EXTENSION OF TIME
TO FILE APPEAL BRIEFS**

COME NOW Appellant and Appellees, by and through their attorneys of record, and respectfully move that this Court issue an Order revising the briefing schedule as follows: (1) granting Appellant an additional fourteen (14) days, up to and including July 2, 2014, in which to file his Appellant's Brief; and (2) granting Appellees an additional fourteen (14) days, up to and including August 15, 2014, in which to file their Appellees' Brief.¹

In support of this Motion, Appellant and Appellees state as follows:

1. This appeal was docketed on May 9, 2014.

¹ Appellant's reply brief would then be due fourteen (14) days thereafter, on August 29, 2014.

2. On that date, the Clerk issued a briefing schedule establishing a deadline of June 18, 2014 for Appellant to file his brief and deadline of 30 days from that filing for Appellees to file their brief.

3. Appellant and Appellees have requested no prior extension of time.

4. These extensions will not prejudice either Appellant or Appellees or cause undue delay of the appeal process.

5. The extensions of time sought are for good cause and not for purposes of vexation or delay. Specifically, although Appellant has begun preparing his brief, due to his attorneys' other litigation commitments and travel schedules, additional time is needed to prepare a full and complete response. Similarly, although Appellees consent to the filing of this Motion, their attorneys' other litigation commitments and travel schedules necessitate seeking a 14-day extension for the filing of Appellees' brief, based upon the initial extension sought by Appellant.

6. Pursuant to Eighth Circuit Local Rule 27A(a)(2), the Clerk has the discretion to enter this procedural Order on behalf of the Court.

WHEREFORE, for the above reasons, Appellant and Appellees respectfully request that this Court grant an extension of time to Appellant, up to and including July 2, 2014, in which to file his Appellant's Brief and an extension of time to

Appellees, up to and including August 15, 2014, in which to file their Appellees' Brief.

Dated: May 27, 2014

Respectfully submitted,

/s/ David A. McKay

David A. McKay
LAW OFFICES OF DAVID A. MCKAY LLC
555 North Point Center East, Suite 400
Alpharetta, GA 30022
Tel.: (678) 366-5180
Fax: (678) 366-5001
david@damckaylaw.com

William H. Narwold
MOTLEY RICE LLC
20 Church Street, 17th Floor
Hartford, CT 06103
Tel.: (860) 882-1681
Fax: (860) 882-1682
bnarwold@motleyrice.com

Counsel for Appellant

/s/ Melissa Z. Baris

Melissa Z. Baris
Mark G. Arnold
Thomas M. Dee
Christopher A. Smith
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
melissa.baris@huschblackwell.com
mark.arnold@huschblackwell.com
tom.dee@huschblackwell.com
chris.smith@huschblackwell.com

Counsel for Appellees, Express Scripts, Inc.
and National Prescription Administrators, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2014, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF System. Participants in the case will who are registered CM/ECF users will be served by the CM/ECF System.

/s/ David A. McKay